THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18097 OF 2003

Between:

K.Y.Sampath Kumaracharyulu and others …Petitioners

A N D

The District Collector, Nellore and Others …Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18097 OF 2003

O R D E R :

1. This writ petition has been filed by the petitioners who are 32 in number apprehending the action of the respondents in dispossessing them without following due process of law.

2. Heard learned counsel for parties.

3. The petitioners claimed that they purchased the house plots under registered sale deeds from one Baddepudi Sanjeevaiah. It is their apprehension that the respondents are contemplating to dispossess them without following the due process of law.

4. Learned Government Pleader for Assignment appearing on behalf of the respondents submits that the lands are assigned lands and due publication have been given to the public cautioning not to purchase the lands. Para 5 of the counter affidavit needs to be noted and it is thus:

> "In reply to paras 4 & 5, it is submitted that, the land in Survey Nos. 546/14 and 546/15, measuring Ac. 180 cents and Ac. 2.42 cents was assigned to Sri Bandi Dasaradha Ramaiah and Nalli Seenamma respectively by the then Tahsildar, Nellore vide Taluk Rc.E1.7844/65. The said assignees have sold away the land to Thiruveedhi Manohar vide Document NO.2308 on 17-9-1970 and document No.1839 on 27-8-1970. The purchaser of this assigned land has again sold acs. 3.72 cents out of Acs. 4.22 of assigned land to Sri Baddepudi Sanjeevaiah vide Document No.2609/85 on 9-5-1985 from whom the petitioners purchased the assigned land under house plots. It is relevant to submit here that the lands under question are not ryotwari patta lands but Government lands assigned to the original assignees under certain conditions and all the assigned lands come under A.P. Assigned Lands (P.O.T.) Act with retrospective effect. Hence, all the sale transactions in respect of these lands are null and void".

5. It is explicit from the counter affidavit that the stand of the respondents are that the lands in question are assigned lands and therefore, they are inalienable. Whatsoever may be the reasons, if the petitioners are to be evicted from the lands in question, in case of their being found in possession, the respondents have to take necessary action in accordance with law.

6. With the above observations, the writ petition is disposed of. No order as to costs.

Justice B.Seshasayana Reddy

3rd March, 2006

KM

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